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REMARKS

Applicant appreciates the continued thorough examination of the present application that is reflected in the new Official Action of August 23, 2004. Applicant also appreciates the Examiner's withdrawal of all of the prior rejections in view of Applicant's Request for Reconsideration that was filed on June 4, 2004.

Applicant also appreciates the Examiner's indication that Claims 15, 16, 18, 34, 35 and 37 would be allowable if rewritten in independent form. However, these claims have not been rewritten in independent form, because Applicant respectfully submits that all of the claims are patentable over the cited art.

The new Official Action continues to reject all of the pending claims based on Applicant's prior U.S. Patent 5,584,057, referred to herein as the "'057 patent" (and referred to by the Official Action as "Dent"), in combination with other secondary references, such as U.S. Patent 5,249,201 to Posner et al. The new Official Action has also added a new secondary reference, U.S. Patent 5,365,187 to Hornak et al.

The '057 patent was cited and discussed at Page 19 of the present application. As will again be described in detail below, although the '057 patent broadly describes and claims *"Use of Diversity Transmission to Relax Adjacent Channel Requirements in Mobile Telephone Systems"*, as noted in the title of the '057 patent, the recitations of Claims 1-14, 17, 19-33, 36 and 38-50 are not described or suggested. Moreover, as will again be described below, the old secondary reference, U.S. Patent 5,249,201 to Posner et al., mentions the use of a saturated amplifier, but the mere existence of saturated power amplifiers would not make it obvious to substitute these amplifiers into the '057 patent.

Finally, as will be described in detail below, the newly cited Hornak et al. reference actually teaches away from the recitations of Claim 1, and, if combined with the '057 patent, would teach away from the recitations of Claim 1.

Independent Claims 1, 20 and 39 Are Patentable Over the '057 Patent In View of Posner et al. and In Further View of Hornak et al.

Independent Claims 1, 20 and 39 are system, means-plus-function and method analogs of one another. Accordingly, only Claim 1 will be analyzed below, with this analysis applying equally to remaining independent Claims 20 and 30.

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Independent Claims 1, 20 and 39 were rejected under 35 USC 103(a) as being unpatentable over the '057 patent in view of Posner et al. and in further view of Hornak et al.

Claim 1 recites:

1. A transmitter that transmits from a common antenna at a plurality of radio frequencies, a plurality of radio channel frequency signals that are modulated with respective information modulation, the transmitter comprising:

a plurality of modulators, a respective one of which corresponds to a respective one of the plurality of radio channel frequencies, each modulator generating at least one constant amplitude, phase modulated drive signal at the corresponding radio channel frequency from the respective information modulation such that the at least one constant amplitude, phase modulated drive signal corresponds to the information modulation for the corresponding radio frequency;

at least one saturated power amplifier for each of the at least one constant amplitude, phase modulated drive signal that is responsive to the corresponding constant amplitude, phase modulated drive signal to produce a corresponding amplified output signal at an output thereof; and

a coupling network that connects the outputs of the saturated power amplifiers in series to produce a combined signal that is applied to the common antenna, such that the common antenna radiates the plurality of radio channel frequency signals that are modulated with the respective information modulation.
(Emphasis added.)

As will be described in detail below, the '057 patent does not appear to describe or suggest at least the above-underlined recitations of Claim 1, and Posner et al. and Hornak et al. do not supply the missing teachings.

The Official Action states at Page 2, section 1, "...Dent discloses essentially all the claimed invention as set fourth [sic] in the instant application...". Applicant again respectfully submits that this is not the case. In particular, Claim 1 recites that each modulator generates at least one constant amplitude, phase modulated drive signal at the corresponding radio channel frequency. However, in the '057 patent, the encoder/modulators 20, 26 appear to generate variable amplitude drive signals. In particular, Column 6, lines 14-16 of the '057 patent recites:

Referring to FIG. 2, a first set of signals A_1 - A_8 to be transmitted is modulated onto carrier frequency f1 in the multiple modulator 20.

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Accordingly, there is no suggestion that constant amplitude phase modulated drive signals should be generated. Moreover, Column 3, lines 36-43, of the '057 patent, which relate to Figure 1 thereof, recites:

Referring to FIG. 1, a number of signals denoted A_1 - A_8 to be transmitted with respectively descending signal strengths are applied to a signal encoder and modulator 1 where they are coded and modulated upon a carrier frequency f_1 . The composite output signal containing the sum of said modulated signals having desired descending signal strength levels is fed to a transmit power amplifier 3. (Emphasis added.)

This passage clearly suggests that different signal strength levels are provided so that a constant amplitude, phase modulated drive signal does not appear to be described or suggested.

Moreover, Claim 1 also recites at least one saturated power amplifier for each of the at least one constant amplitude phase modulated drive signal. As is well known to those having skill in the art, a saturated power amplifier is an amplifier driven out of its linear range or, more precisely, an amplifier being operated in such a way that it does not maintain a linear input vs. output characteristic, as clearly shown, for example, by the square wave symbols in the power amplifiers 912a-912n of Figure 9, and 1012a-1012n and 1014a-1014n of Figure 10 of the present application. In sharp contrast, the '057 patent states at Column 6, lines 16-18:

The output signal of the modulator is amplified in a high-power transmit amplifier 21, the output of which is connected to one input of multiplexing filter 22.

This passage does not suggest saturated power amplifiers. Moreover, Column 3, lines 41-46 of the '057 patent clearly state:

The composite output signal containing the sum of said modulated signals having desired descending signal strength levels is fed to a transmit power amplifier 3. The power output of this amplifier is sufficient to cope with the strongest signal A_1 as well as the other signals A_1 - A_8 , and can be, for example, a linear power amplifier to minimize intermodulation. (Emphasis added.)

This passage clearly suggests that a linear power amplifier is used and that descending signal strength levels are fed to the linear power amplifier. Accordingly, a saturated power amplifier, as recited in Claim 1, is neither described nor suggested.

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In an attempt to supply the missing teaching, the Official Action continues to cite Posner et al., and, specifically, continues to cite one sentence of Posner et al. at Column 3, lines 35-39:

The hard-limited carrier signal, keyed on/off by the pulse train, is transmitted through the nonlinear system (such as a saturated amplifier) and then passed through a narrow bandpass filter which eliminates the sidebands introduced by the sampling process

This sentence states that a hard-limited carrier signal is transmitted through a nonlinear system. This does not suggest in any way that it would be obvious to use at least one saturated power amplifier for each constant amplitude phase modulated drive signal, as recited in Claim 1. Moreover, it would not be obvious to simply remove Posner et al.'s saturated amplifier that is used to amplify a hard-limited carrier signal that is keyed on/off by the pulse train, and substitute this amplifier into the '057 patent, which relates to the use of diversity transmission to relax adjacent channel requirements in mobile telephone systems. Finally, as was noted above, Column 3, lines 43-46 of the '057 patent clearly states:

The composite output signal containing the sum of said modulated signals having desired descending signal strength levels is fed to a transmit power amplifier 3. The power output of this amplifier is sufficient to cope with the strongest signal A_1 as well as the other signals $A_1 - A_8$, and can be, for example, a linear power amplifier to minimize intermodulation. (Emphasis added.)

Applicant respectfully submits that it would not be obvious to substitute a saturated power amplifier in the '057 patent contrary to the explicit language of the '057 patent.

The reason provided for the combination of the '057 patent and Posner et al. at Page 3 of the Official Action also is not appropriate. In particular, Page 3 of the Official Action states that:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with a saturated power amplifier as taught by Posner et al. for the purpose of a more power-efficient and cost effective system as well as amplifying without distortion.

Applicant respectfully submits that the above-quoted passage at Column 3, lines 43-46, of the '057 patent states that a linear power amplifier is used to minimize intermodulation. Applicant therefore questions why it would be obvious to provide a

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saturated power amplifier "as amplifying without distortion", as alleged by the Official Action. In particular, as was noted above, a saturated amplifier does not maintain a linear input versus output characteristic and, therefore, may create distortion compared to a linear amplifier. Accordingly, the reason provided by the Official Action to substitute Posner et al. into the '057 patent is not appropriate.

The new Official Action concedes, at the bottom of Page 3, that the combination of the '057 patent and Posner et al. also fails to disclose at least one constant amplitude phase modulated drive signal. In an attempt to supply the missing teachings, the Official Action cites Hornak et al. However, Hornak et al. Column 3, lines 59-68, which includes the passage cited by the Official Action at the bottom of Page 3, specifically states:

The present invention is a power amplifier having a gain factor of G for generating an output signal from a low power amplitude and phase modulated input signal. The power amplifier generates first and second constant envelope signals. Each constant envelope signal has the same frequency as said input signal. The first constant envelope signal has the same amplitude as the second constant envelope signal but differs in phase from the first constant envelope signal by an amount depending on the amplitude of the input signal. (Emphasis added.)

As clearly described in this passage, two constant envelope signals are generated from a single input signal. Each constant envelope signal has the same frequency as the input signal. In sharp contrast, Claim 1 relates to:

1. A transmitter that transmits from a common antenna at a plurality of radio frequencies, a plurality of radio channel frequency signals that are modulated with respective information modulation, the transmitter comprising:.... (Emphasis added.)

Thus, Claim 1 does not even relate to the generation of first and second signals at the same radio frequency. Moreover, Claim 1 clearly recites:

a plurality of modulators, a respective one of which corresponds to a respective one of the plurality of radio channel frequencies, each modulator generating at least one constant amplitude, phase modulated drive signal at the corresponding radio channel frequency from the respective information modulation such that the at least one constant amplitude, phase modulated drive signal corresponds to the information modulation for the corresponding radio frequency.... (Emphasis added.)

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Accordingly, Hornak et al. teaches away from the above underlined recitations of Claim 1. Moreover, if Hornak et al. was substituted into the '057 patent to provide first and second, same amplitude, constant envelope signals that are generated from an input signal, the substitution would appear to destroy the operability of the '057 patent, which uses a set of signals A1-A8 with descending signal amplitudes. Accordingly, it would not be obvious to substitute Hornak et al. into the '057 patent, or the '057 patent as modified by Posner et al.

The reason provided for the combination of the '057 patent and Posner et al. with Hornak et al., at the first paragraph of Page 4 of the Official Action, also does not appear to be appropriate. In particular, Page 4 of the Official Action states that:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination Dent and Posner et al. with the teachings of Hornak et al. for the purpose of eliminating the phase difference between the input and output signal.

In particular, as was already described above, the passage from Hornak et al. that was cited by the Official Action illustrates that Hornak et al. generates first and second signals that differ in phase by an amount depending on the amplitude of the input signal. Accordingly, the reason supplied by the Official Action "for the purpose of eliminating the phase difference" would simply not appear to apply to a substitution that generates signals that differ in phase.

Finally, Claim 1 also recites a coupling network that connects the outputs of the saturated power amplifiers in series. In contrast, in Figure 2 of the '057 patent, a directional coupler 23 is used. As clearly shown by the schematic in Block 23, series coupling of the power amplifier outputs to the antenna is not provided.

Accordingly, the '057 patent in view of Posner et al. and in further view of Hornak et al. do not appear to describe or suggest the combination of (1) constant amplitude, phase modulated drive signals, (2) at different radio frequencies, that are coupled to (3) at least one saturated power amplifier that is coupled to (4) a coupling network that connects the outputs of the saturated power amplifiers in series. As noted in the present application, for example at Page 19, line 17-Page 20, line 15:

Advances in signal processing have, however, improved the ability to use the same channel in adjacent cells, and thus all channels can be theoretically used in all cells, with consequent

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increases in system capacity. One such technique that uses the same channel in all cells, albeit with debatable capacity improvements, is the first generation CDMA system known as IS95. One of the difficulties of using all frequency channels in all cells is the antenna multicoupling problem, one solution for which was disclosed in U.S. Patent No. 5,584,057 to the present inventor, entitled *Use of Diversity Transmission to Relax Adjacent Channel Requirements in Mobile Telephone Systems*, assigned to the assignee of the present invention, the disclosure of which is hereby incorporated by reference herein. This patent describes coupling even channels to a first antenna and odd channels to a second antenna in the same cell, thus doubling the frequency spacing of the channels coupled to the same antenna. For 30 kHz channel spacing as used in AMPS and DAMPS however, doubling the channel spacing may be insufficient to permit efficient multicoupling using conventional combiners. Therefore, despite advances in signal processing such as interference cancellation and/or joint demodulation techniques, which can allow much closer re-use of the same frequency channel, the advantages may be constrained by the inability to efficiently couple adjacent channels to the same antenna.

This problem also can arise in the context of GSM-type systems constructed using a limited amount of spectrum, such as only three, 200 kHz wide channels, which also may be limited in the type of frequency assignments that can be considered using conventional antenna multicouplers. Moreover, future evolution of GSM to transmit higher data rates, which enhancement is called "EDGE", includes use of a non-constant envelope 8-PSK modulation. Thus, the second embodiments of the invention as described in Figure 10 may be adapted for systems such as IS95, GSM/EDGE and DAMPS which employ linear, non-constant-amplitude modulation waveforms. EDGE employs a linear, 8-phase signal (8-PSK) where the term "linear" implies that the transitions between successive 8-PSK symbols does not follow a constant amplitude trajectory but rather a spectral band limited trajectory. Other well-known modulations that use both amplitude and phase to convey information are multi-level Quadrature Amplitude modulations such as 16QAM, 64QAM, 256QAM and so on.

Accordingly, the recitations of Claim 1, and remaining independent Claims 20 and 39, are not described or suggested in the '057 patent in view of Posner et al. and in further view of Hornak et al. Applicant therefore respectfully requests withdrawal of the rejection of Claims 1, 20 and 39, and of the dependent claims that depend therefrom.

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Many of the Dependent Claims Are Independently Patentable

Applicant appreciates the Examiner's indication that Claims 15, 16, 18, 34, 35 and 37 are independently patentable. However, Applicant respectfully submits that many of the other dependent claims are independently patentable.

In particular, Claim 13 recites:

13. A transmitter according to Claim 1 wherein the coupling network comprises a plurality of transformers, each having a primary and a secondary, a respective primary being coupled to a respective output of a respective saturated power amplifier, the secondaries being serially coupled to the common antenna.

Similar recitations may be found in Claim 32. The Official Action states, in the paragraph bridging Pages 4 and 5 that:

...additionally, the combination of Dent in view of Hornak et al. disclose the coupling network (22) comprises a plurality of transformers each having primary and secondary, a respective primary (f1, f2) being coupled to a respective output of a respective saturated power amplifier (21, 27), the secondary being coupled together to the common antenna (25) as exhibited in figure 2.

However, Applicant respectfully submits that Block 22 of the '057 patent is a "multiplexing filter" with f1 and f2 being carrier frequencies. Applicant can find no description or suggestion in the '057 patent that the multiplexing filter Block 22 of the '057 patent Figure 2 includes a plurality of transformers connected as recited in Claim 13. Hornak et al. also appears to be devoid of any teaching of transformers. Accordingly, Claim 13 is independently patentable. If the Examiner continues to maintain the rejection of Claim 13, the Examiner is respectfully requested to point out where the '057 patent and/or Hornak et al. describe or suggest the plurality of transformers connected as recited in Claim 13.

Claim 14 recites:

14. A transmitter according to Claim 1 wherein the coupling network comprises a plurality of quarter wavelength transmission lines each having first and second ends, a respective first end being coupled to a respective output of a respective saturated power amplifier, the second ends being coupled together to the common antenna.

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This claim was rejected using the same language as the rejection of Claim 13. Again, neither the '057 patent nor Hornak et al. appear to disclose or suggest the use of quarter wavelength transmission lines or other recitations of Claim 14, or analogous Claim 43. Again, if this rejection is maintained, Applicant respectfully requests the Examiner to point out where the '057 patent or Hornak et al. describe or suggest the use of quarter wavelength transmission lines or the other recitations of Claim 14.

Finally, Claims 17 and 36 were rejected as being obvious over the '057 patent in view of Posner et al. and in view of Hornak et al, and further in view of U.S. Patent 5,308,384 to Ashby et al. However, Claim 17 recites:

17. A transmitter according to Claim 1 wherein the saturated power amplifiers each include bilateral amplifier devices that draw current from a DC power supply and supply current to the DC power supply during operation.

Analogous recitations may be found in Claim 36. The Official Action states, at the bottom of Page 6:

In the same field of endeavor, Ashby et al. further discloses a[n] apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses a single constant envelope modulation drive signal and wherein the information modulation is a constant envelope information modulation (as disclosed in column 3 lines 25-31 and column 8 lines 57-60).

Applicant respectfully submits, however, that Ashby et al. Column 3, lines 25-31 state:

As generally utilized for conventional and trunked radios, constant envelope modulation techniques, such as frequency shift keying (FSK), or phase shift keying (PSK), may often cause the communication medium to occupy too wide a transmitted bandwidth of the governmental standard of 15 KHz to 25 KHz spaced radio channels.

Moreover, Column 8, lines 57-60 state:

The present device and method can be designed within or retrofittable to existing conventional radios by adding a suitable constant envelope modulation technique.

This passage does not describe or suggest saturated power amplifiers. Moreover, Applicant respectfully submits that these passages would not suggest making the

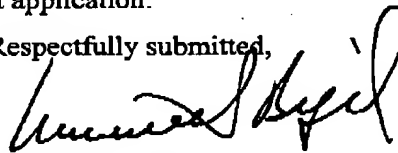
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saturated power amplifiers of Claim 1 a bilateral amplifier device. Accordingly, Claims 17 and 36 are separately patentable.

Conclusion

Applicant appreciates the continued thorough examination of the present application and the withdrawal of all the earlier rejections that were made for the present claims in four (4) earlier Official Actions. Applicant also appreciates the citation of Applicant's prior '057 patent, which was already cited and described in the Applicant's specification. Applicant has now shown that, although the '057 patent broadly describes and claims the use of diversity transmission to relax adjacent channel requirements in mobile telephone systems, the recitations of independent Claims 1, 20 and 39 are not described or suggested by the '057 patent in combination with Posner et al. or the newly cited Hornak et al. patent. Moreover, many of the dependent claims are independently patentable, in addition to those dependent claims that already have been acknowledged as being independently patentable. Accordingly, Applicant respectfully requests withdrawal of all of the outstanding rejections and allowance of the present application.

Respectfully submitted,



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